

No. PD-0617-20

STATE OF TEXAS

VS.

EDMUND KAHOOKELE

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IN THE COURT OF
CRIMINAL APPEALS
OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
12/17/2020
DEANA WILLIAMSON, CLERK

SECOND MOTION TO EXTEND TIME TO FILE APPELLEE'S BRIEF

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes Edmund Kahookele, Appellee in the above styled and numbered cause, and moves for an extension of time to file Appellee's brief, and for good cause shows the following:

1. On June 9, 2020, the Third Court of Appeals reversed the trial court's order granting Appellee's "Motion to Quash the Indictment and Objections to the Enhancement Allegations" and remanded this cause for further proceedings. *State v. Edmund Kahookele*, 03-18-00399-CR. No motion for rehearing was filed. The Petition for Discretionary Review was therefore due on July 9, 2020. Motions to extend time to file the Petition for Discretionary Review were granted and the PDR was filed on August 31, 2020. The PDR was granted on October 28, 2020 and Appellee's brief was therefore due on November 30, 2020. A two-week motion for extension was requested on November 30, 2020 and granted, extending the due date to December 15, 2020. Counsel now requests an additional six-day extension to

complete the brief in this cause, to December 21, 2020.

2. Counsel for Appellee completed and filed a brief in *Danielle Edwards v. State*, No. 03-20-00138-CR, in the Third Court of Appeals on November 20, 2020, and completed and filed a brief in *State v. Johnny Serna*, No. 03-20-00087-CR, in the Third Court of Appeals on November 30, 2020. Following *Serna*, Counsel immediately began working on the instant brief, but has not had sufficient time to complete it. The delay is due, in part, to distraction related to the deteriorating condition of a friend in ICU with Covid-19.

3. Appellee is in custody.

WHEREFORE, PREMISES CONSIDERED, Appellee respectfully requests an extension of six days, to December 21, 2020, to file his brief.

Respectfully submitted,
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By: /s/ Susan Schoon
Susan Schoon
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CERTIFICATE OF SERVICE

This is to certify that on December 17, 2020, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, Comal County, Texas and the State Prosecuting Attorney via email service.

/s/ Susan Schoon

Susan Schoon

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